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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

COMMITTEE TO RECALL DAN  
HOLLADAY, JEANA GONZALES, and  
ADAM MARL,

Plaintiffs,

v.

JAKOB WILEY, City Recorder for Oregon  
City, in his official capacity,

Defendant,

and

STATE OF OREGON,

Intervenor.

Case No. 3:20-CV-01631-YY

PARTIES' JOINT MOTION FOR A CASE  
MANAGEMENT ORDER REGARDING  
PLAINTIFFS' SECOND AMENDED  
COMPLAINT

Following the Court's email dated March 22, 2022, regarding Defendant's and Intervenor's Motions to Dismiss (ECF No. 23 and ECF No. 21, respectively) and requested supplemental briefing (ECF Nos. 36, 38, 39), the parties conferred through their attorneys of record via telephone on March 31, 2022, and now hereby move the Court to issue a case management order to provide that:

1. Plaintiffs will file their Second Amended Complaint, currently designated at ECF No. 36-1, in cleaned-up format (i.e. removing Track Changes notations).
2. In response to the Second Amended Complaint:
  - a. Defendant will be deemed to have moved to dismiss the Second Amended Complaint on the grounds argued in ECF Nos. 23, 29, as supplemented by ECF No. 39.
  - b. Intervenor will be deemed to have moved to dismiss the Second Amended Complaint on the grounds argued in ECF Nos. 21, 27, as supplemented by ECF No. 38.
  - c. Plaintiffs respond to Defendant's and Intervenor's above-described motions to dismiss on the grounds argued in ECF No. 26, as supplemented by ECF No. 36 and its attachments/exhibits.
3. Plaintiffs will move, on or before April 26, 2022, for an order under LR 83-14 certifying one or more questions of state law to the Oregon Supreme Court regarding only Claim 1, Count One (facial challenge to ORS 249.875(1) under Article II, Section 18 of the Oregon Constitution). Defendant and Intervenor will file response briefs in opposition to said motion on or before May 17, 2022. Plaintiffs shall file any reply brief(s) on or before May 31, 2022. Plaintiffs request that this Court issue its Findings and Recommendations

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regarding the motions to dismiss and motion to certify at the same time. Defendant and Intervenor take no position on the timing of the Court's resolution of these motions.

DATED April 1, 2022.

Respectfully submitted,

s/ Jesse A. Buss  
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